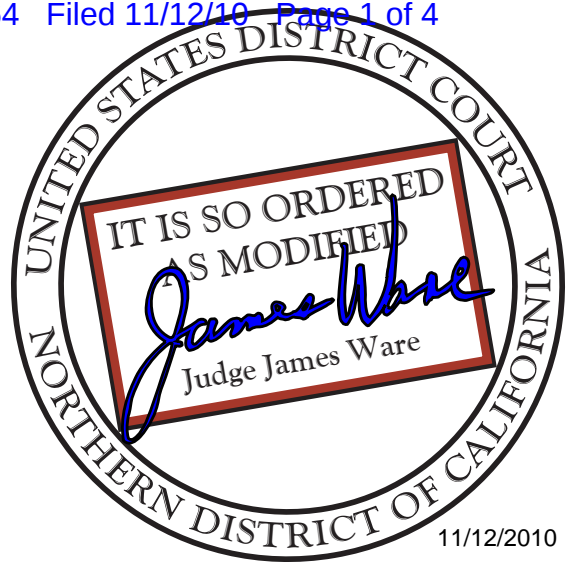


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Attorney for: Defendant MARLON SPENCER



IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 09-00400 JW
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING PRETRIAL
vs.)	HEARING DATE AND EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL
MARLON SPENCER,)	ACT, 18 U.S.C. SECTION 3161
)	
Defendants.)	
)	
)	
)	
)	

The United States of America, by Grant P. Fondo,
Assistant United States Attorney, and the defendant in the above
case, by and through his attorney Peter A. Leeming, hereby enter
into this joint stipulation.

The parties stipulate, and ask the Court to adopt as its
FINDINGS that:

1. This case is currently set for pretrial conference on
November 15, 2010 at 1:30 P.M. Through this stipulation, the

1 parties are requesting the pretrial conference be continued until
2 December 6, 2010, at 1:30 P.M.

3 2. Mr. Spencer is charged by an indictment filed 4/16/2009
4 with possession with intent to distribute of crack cocaine. The
5 mandatory minimum penalty for that offense was 10 years
6 imprisonment. On June 9, 2009 the government filed an
7 information pursuant to 21 U.S.C. § 841, which increased the
8 mandatory minimum to 20 years.

9 3. The parties are attempting to reach a resolution and
10 have agreed to participate in a settlement conference. That
11 process will not be completed by November 15, however, so the
12 parties are requesting that the pretrial conference date be
13 continued to December 6, 2010, at 1:30 PM.

14 4. Both sides therefore respectfully request that the
15 court order as follows:

16 1. That the current pretrial conference date of November
17 15, 2010 be vacated;

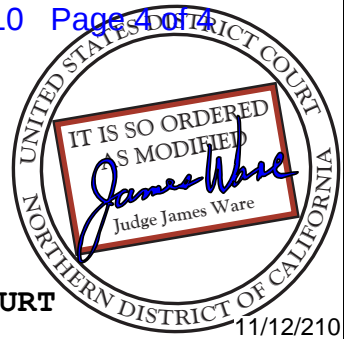
18 2. That a new pretrial conference date of December 6, 2010
19 at 1:30 be set, with pretrial filings due in accordance with the
20 local rules.

21 3. The Court has previously found that an exclusion of
22 time is appropriate and necessary in order to allow the effective
23 preparation of counsel and to complete investigation, pursuant to
24 Title 18, United States Code, Section 3161(h)(8)(B)(4), and that
25 exclusion remains appropriate under the circumstances.
26
27
28

1 IT IS SO STIPULATED

2 Dated: November 8, 2010 By: _____/S/_____
3 GRANT P. FONDO, Assistant
4 United States Attorney

5
6 Dated: November 8, 2010 By: _____/S/_____
7 PETER A. LEEMING, attorney
8 for MARLON SPENCER
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 09-00400 JW
)	
Plaintiff,)	[PROPOSED] ORDER
)	
vs.)	
)	
Marlon Spencer,)	
)	
Defendant)	
)	
)	
)	


ORDER

For the reasons stated in the above stipulation, the pretrial conference date of November 15, 2010 is vacated. The case will be set for **November 22, 2010** at 1:30 PM for further pretrial conference.

An exclusion of time is appropriate and necessary in order to allow the effective preparation of counsel and to complete investigation, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(4).

IT IS SO ORDERED.

Dated: November 12, 2010


 The Honorable James Ware